



# भारत का राजपत्र

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### RAJYA SABHA

The following Bills have been introduced in the Rajya Sabha on the 1st August, 2000:—

#### I

BILL NO. XLVII OF 2000

*A Bill further to amend the Workmen's Compensation Act, 1923.*

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Workmen's Compensation (Amendment) Act, 2000.

Short title.

2. In the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), in section 2, in sub-section (1), in clause (n), the following brackets and words shall be omitted, namely:—

Amendment of section 2

“(other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business)”.  
8 of 1923.

3. In section 4 of the principal Act,—

Amendment of section 4.

(a) in sub-section (1),—

(i) in clause (a), for the words “fifty thousand rupees”, the words “eighty thousand rupees” shall be substituted;

(ii) in clause (b), for the words “sixty thousand rupees”, the words “ninety thousand rupees” shall be substituted;

(iii) in *Explanation II*, occurring after clause (b) and before clause (c), for the words “two thousand rupees” occurring at both the places, the words “four thousand rupees” shall respectively be substituted;

(b) in sub-section (4), for the words “one thousand rupees”, the words “two thousand and five hundred rupees” shall be substituted.

Amendment of  
section 4A. 4. In section 4A of the principal Act, for sub-section (3A), the following sub-section shall be substituted, namely:—

“(3A) The interest and the penalty payable under sub-section (3) shall be paid to the workman or his dependant, as the case may be.”.

### STATEMENT OF OBJECTS AND REASONS

The Workmen's Compensation Act, 1923 provides for payment of compensation to workmen or their dependants in case of personal injury caused by accident or certain occupational diseases arising out of and in the course of employment and resulting indisability or death. The Act, at present, applies to railway servants and persons employed in certain hazardous employments specified in Schedule II of the Act.

2. Based on the recommendations of the Standing Committee of Parliament on Labour and Welfare, the Act is being made applicable to all casual workers by deleting the brackets and words "(other than a person whose employment is of casual nature and who is employed otherwise than for the purposes of the employer's trade or business)" from section 2(1)(n) of the Act.

3. The Act was last amended in 1995. Since then, there has been general increase in prices of goods and commodities. The Standing Committee of Parliament on Labour and Welfare has also made certain recommendations for enhancement in the amount of compensation payable under the workmen's compensation Act. These recommendations were examined in consultation with State Governments and Union territory Administrations. Keeping in view the recommendations of the Standing Committee of Parliament and suggestions received from the State Governments, it is proposed to carry out the following amendments in the Act, namely:—

(i) Minimum amount of compensation for death is being enhanced from Rs. 50,000 to Rs. 80,000/- and that for permanent total disablement from Rs. 60,000 to Rs. 90,000/-;

(ii) The ceiling on monthly wage prescribed in *Explanation II* below section 4(1)(b) for determining the maximum amount of compensation is being enhanced from Rs. 2,000/- to Rs. 4,000/-;

(iii) The amount of funeral expenses payable under section 4(4) is being enhanced from Rs. 1,000/- to Rs. 2,500/-.

4. In the case of undue delay in payment of compensation, the employer under section 4A(3) of the Act is also liable for payment of interest and penalty upto fifty per cent of the amount of compensation. At present interest is payable to the workman or dependants and the penalty is being credited to State Government. There have been representations for making the penalty also payable to the workman or dependants. Accordingly, it is proposed to amend section 4A(3) so as to make the penalty also payable to the workman or dependants.

5. The Bill seeks to achieve the above objects.

SATYA NARAYAN JATIYA.

#### FINANCIAL MEMORANDUM

The Workmen's Compensation Act, 1923 covers a large number of persons employed by the Central Government in railways and in other departments such as Central Public Works Department, Ordnance factories, telecommunications, telegraph, etc.

2. Clause 3 of the Bill seeks to enhance the minimum amount of compensation for death from Rs. 50,000 to Rs. 80,000 and that for permanent total disablement from Rs. 60,000 to Rs. 90,000. It also seeks to enhance the ceiling on monthly wage for calculation of maximum amount of compensation from Rs. 2,000 to Rs. 4,000. Finally, it also seeks to enhance the amount of funeral expenses from Rs. 1,000 to Rs. 2,500. The proposed provisions will ensure payment of compensation on comparatively higher rates than existing rates.

3. The above mentioned proposals in their application to the workmen employed by the Central Government will involve increased expenditure from the Consolidated Fund of India by way of payment of compensation. However, as compensation becomes payable only in the event of employment injury resulting in disablement or death, it is not possible to estimate in advance the amount of additional expenditure involved.

4. The Bill does not involve any other expenditure whether recurring or non-recurring nature.

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## II

## BILL No. XLVIII of 2000

*A Bill further to amend the All-India Institute of Medical Sciences Act, 1956.*

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the All-India Institute of Medical Sciences (Amendment) Act, 2000.	Short title.
2. In the All-India Institute of Medical Sciences Act, 1956, in section 6, in the proviso to sub-section (1), after the words "as soon as he", the words "becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States or" shall be inserted.	Amendment of section 6.

## STATEMENT OF OBJECTS AND REASONS

All-India Institute of Medical Sciences (AIIMS), New Delhi is an autonomous body established by an Act of Parliament in 1956. Section 4 of the AIIMS Act governs the composition of the Institute Body of AIIMS. There is a provision under section 4(g) of the Act for election of three Members of Parliament of whom two shall be elected from among themselves by the Members of the House of the People and one from among themselves by the Members of the Council of States. In accordance with section 6(1) of the Act, the term of office of a Member elected under clause (g) of section 4 shall come to an end as soon as he ceases to be a Member of the House from which he was elected. It has been decided that a provision should be made in the Act to the effect that consequent to a Member of Parliament becoming a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States, his/her nomination/election to that body shall be deemed to have been terminated.

2. The Bill seeks to achieve the above object by amending the relevant provision of the Act.

C. P. THAKUR.

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R. C. TRIPATHI,  
*Secretary-General.*

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